

1 Ruchell Cinque Magee  
2 3A5-142 #A92051  
3 Box 3461, CSP  
4 Corcoran, CA 93212  
5  
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FILED  
AUG 5 2008  
RICHARD W. WICKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

## E-filing

TEH

U.S. DISTRICT COURT FOR THE

NORTHERN DISTRICT OF CALIFORNIA

In Re:

CV NO. 08

3754

RUCHELL CINQUE MAGEE

On Habeas Corpus

) APPLICATION FOR CLEARANCE

(PR)

Pursuant to 28 U.S.C. § 1651, the petitioner ask

Clearance on right to be heard by writ of habeas Corpus based on facts and newly evidence of jury acquittal, never denied by the government.

On May 2, 192005, the U.S. District Court, Northern District Of California Ordered the granting of Clearance- Vacating its gag rule of May 10, 1995, based on the gag rule or pre-filing order violated the United States Constitution ( In re RUCHELL CINQUE MAGEE, NO.C-05-80291 MISC ( N.D. CAL., May 2, 2005).)

Habeas Corpus herewith reflect jurors Affidavit's declaring acquittal by twelve agreeing that the petitioner was found not guilty of violating Pc 209 (kidnapping for

1 purpose of extortion.)

2 Clearance is necessary, because previous judge's  
3 shifted their attention from the jury acquittal, to  
4 the May 10, 1995 pre - filing order, opposing to the  
5 acquittal heard by a hearing judge. ( See decision  
6 maintaining May 10, 1995 gag rule, In re Ruchel Cinque  
7 Magee, NO. C05-1819 TEH ( PR ), N.D. Cal. 5/23/05 ). )  
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8 By maintaining the said pre-filing order,  
9 some judge's are underminded to believe that the petitioner  
10 have to obtain permission from the 9th Circuit Court of  
11 Appeals, because the pre-filing order bring in the  
12 Anti-writ of habeas corpus ( 28 U.S.C. § 2244(b)(3)(A).  
13

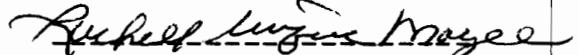
14 Clearance reopening of the decision

15 In re RUCHELL CINQUE MAGEE, NO. C-05-80291, MISC VRW, Supra,  
16 -----  
17 will produce jury acquittal . The acquittal will bring  
18 to law argument 18 U.S.C. § 3731, stattute: " Government  
19 have no juridiction to apply gag rule's in the case of  
acquittal."

20 Clearance will make plain the illegality of  
21 the May 10, 1995 pre-filing order in this matter.  
22 WHEREFORE, petitioner request the court to reopen its  
23 decision C-05-80291 MISC VRW, Supra, in order that Habeas  
24 Corpus may proceed forward before a hearing judge with  
25 respect for the jury system.

26 I certify under penalty of perjury the foregoing is true  
27 and correct to the best of my knowledge and beleif.  
28

Dated: July 28, 2008

  
RUCHELL CINQUE MAGEE